(9) 3 (3)

IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL AT RAIPUR
ORIGINAL APPLICATION NO. 89 OF 1998

WPS-2401/05

APPLICANT : **BAIJNATH SAHOO**
(Ex. U.D.T. previously appointed on adhoc basis)
AGED ABOUT 41,YEARS,
S/O SHRI NARBADA PRASAD SAHOO
R/O - VILLAGE - DHANAGHAT
TAH. MUNGELI
DISTT. - BILASPUR (M.P.)

VERSUS

NON-APPLICANT/ RESPONDENTS :

(1) STATE OF M.P.. THROUGH COLLECTOR,
BILASPUR, DISTT. BILASPUR (M.P.)

(2) COMMISSIONER OF PUBLIC INSTRUCTIONS,
GOVERNMENT OF M.P.,
DIRECTORATE OF EDUCATION (DPI OFFICE)
NEAR CHETAK BRIDGE, BHOPAL (M.P.)

(3) JOINT DIRECTOR OF PUBLIC INSTRUCTIONS,
EDUCATION. DEPTT.
EDUCATION DISTT. BILAPUR
P.O. & DISTT. BILASPUR (M.P.)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT. 1985 (NO.13 OF 1985) READ WITH ARTICLES 14 & 16 OF THE CONSTITUTION OF INDIA

(66)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 2401 of 2005

Petitioner : Baijnath Sahoo

Versus

Respondents : State of Madhya Pradesh (now Chhattisgarh) & others

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Shri Alok Nigam, Advocate for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents.

ORDER

(Passed on this 5th day of January, 2007)

1. Admittedly, the petitioner was appointed as Upper Division Teacher on ad hoc basis vide order dated 14.9.1982 and thereafter his services came to an end w.e.f. 30.4.1983. The petitioner by this petition seeks a direction to the respondents for reinstatement/reappointment of the petitioner.

2. In view of the settled position of law as enunciated by a Constitutional Bench of the Supreme Court in the case of ***Secretary, State of Karnataka and others Vs. Umadevi***[1] which was followed later on in various decisions by the Supreme Court, viz. ***Accounts Officer (A&I) A.P.SRTC and others vs. P. Chandra Sekhara Rao and others***[2], ***Surinder Prasad Tiwari vs. U.P. Rajya Krishi Utpadan Mandi Parishad and others***[3], ***Nagar Mahapalika (now Municipal Corpn.) vs. State of U.P. and others***[4] and ***U.P. State Road Transport Corporation vs. Man Singh***[5], daily rated, temporary or ad hoc appointees have no right to the post as their appointment was not in accordance with the constitutional scheme of the appointment and not in accordance with any Rules, Regulations,

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as framed under the proviso to Article 309 of the Constitution of India.

3. In the present petition, appointment of the petitioner was on contract basis de-hors the constitutional scheme and as such, the appointment came to an end after the contact period.

4. For the reasons above-stated and as per the dicta laid down by the Supreme Court, the petitioner is not entitled for reappointment/ reinstatement in the service.

9. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2006) 4 SCC 1
2 (2006) 7 SCC 488
3 (2006) 7 SCC 684
4 2006 AIR SCW 2497
5 2006 AIR SCW 5159

Thakur